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8 Attorneys for Defendant
9 EAGLE MOLDING COMPANY # 1

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ROY B. SMITH; VICKI SMITH) CASE NO. CIV.S-04-1245 LKK GGH
11 Plaintiffs,)
12 vs.) STIPULATION FOR MENTAL AND
13 EAGLE MOLDING COMPANY #1) PHYSICAL EXAMINATIONS OF
14 Defendants.) PLAINTIFF; AND ORDER THEREON
15
16 IT IS HEREBY STIPULATED AS FOLLOWS:

17 1. Defendant, EAGLE MOLDING COMPANY, wishes to take mental and physical
18 examinations of plaintiff, ROY SMITH, as follows:

19 (A) MARCH 14, 2006, at 1:30 p.m. (for 1/2 day), at 3220 Blume Drive, #151,
20 Richmond, California, for an examination to be conducted by RICHARD A. RUBENSTEIN, M.D.,
21 who is a Board certified neurologist. The examination will be conducted for the purpose of
22 determining the nature and extent of the injuries alleged by the plaintiff, ROY SMITH, to have been
23 suffered in the accident of 9/18/02, and will consist of, among other things, a neurologic history, a
24 neurologic examinations consisting of a mental status evaluation, cranial nerve assessment and
25 evaluation of balance, gait, posture, motor strength, sensation and reflexes. The cranial nerve
26 assessment specifically involved the evaluation of eye movement, sense of smell, sensation and

1 hearing. The examination will not include any diagnostic test or procedure that is painful, protracted,
2 or intrusive.

3 (B) MARCH 15, 2006, at 9:00 a.m. to 12:00 p.m. for the first session, and on
4 MARCH 16, 2006, at beginning at 9:00 a.m. until completed for the second session, at 909 Hyde St.,
5 Ste. 425, San Francisco, California, for a comprehensive forensic psychiatric clinical examination
6 to be conducted by STUART M. PICKEL, M.D., whose specialty is psychiatry and forensic
7 psychiatry. The examination will be a comprehensive examination as outlined on Attachment B,
8 conducted for the purpose of determining the nature and extent of the injuries alleged by the plaintiff,
9 ROY SMITH, to have been suffered in the accident of 9/18/02. In addition, Dr. Pickel will have
10 questions for Mr. Smith based on documents provided to him. The psychiatric interview may only
11 be attended by Dr. Pickel and Roy Smith, and will be audio-taped. The examination will not include
12 any diagnostic test or procedure that is physically painful, unnecessarily protracted, or unnecessarily
13 intrusive.

14 (C) MARCH 13, 2006, at 1:00 p.m. (for 1/2 day) for the first session, and on
15 MARCH 15, 2006, at 1:00 p.m. (for 1/2 day) for the second session, at 350 Parnassus Avenue, Ste.
16 309, San Francisco, California for an examination to be conducted by WILLIAM D. HOOKER,
17 PhD, whose specialty is neuropsychology. The examination will be a comprehensive,
18 neuropsychological examination conducted for the purpose of determining the nature and extent of
19 the injuries alleged by the plaintiff, ROY SMITH, to have been suffered in the accident of 9/18/02.
20 The core battery of tests which may be performed include, among other things, are the WAIS-III,
21 WRAT-III Reading Sub-Test, the Trail Making tests, the Stroop Color Word Test (SCWT), the
22 Wisconsin Card Sorting Test (WCST), the Boston Naming Test (BNT), the Controlled Oral Word
23 Association Test (COWAT), the Hooper Visual Organization Test (HVOT), the Minnesota
24 Multiphasic Personality Inventory-2 (MMPI-II), Halstead-Reitan Neuropsychological Test Battery,
25 Grooved Pegboard Test (GPT), Ruff 2&7 Selective Attention Test, Wechsler Test of Adult Reading
26 (WTAR), Rey-Osterreith Complex Figure Test (CFT), Clock Drawing, Ruff Figural Fluency Test,
27 Booklet Category Test (BCT), Independent Living Scales (ILS), Wechsler Memory Scale-3rd

1 Revision (WMS-III), California Verbal Learning Test-2nd Revision (CVLT-II), Word Memory Test,
2 and Rorschach Psychodiagnostic Test, Exner Scoring. A background history will also be taken.
3 The examination will not include any diagnostic test or procedure that is painful, protracted, or
4 intrusive.

5 (D) MARCH 10, 2006, at 10:00 a.m., at 83 Scripps Drive, Ste. 310, Sacramento,
6 California for a physical examination to be conducted by LAURA ANDERSON, M.D., whose
7 specialty is neurosurgery. This examination will be conducted for the purpose of determining the
8 nature and extent of the injuries alleged by the plaintiff, ROY SMITH, to have been suffered in the
9 accident of 9/18/02, and will consist of a physical examination of plaintiff. Dr. Anderson will be
10 allowed to obtain a verbal history from plaintiff which will include, in general, the following:

- 11 a) His current complaints;
- 12 b) His past complaints;
- 13 c) The evolution of his complaints;
- 14 d) Any additional contributing illnesses or injuries;
- 15 e) The sequence of his medical treatment.
- 16 f) Dr. Anderson will conduct a non-invasive neurological/physical
17 examination of plaintiff which will focus on his head, neck, back, shoulders, upper
18 extremities (e.g. arms and hands), and lower extremities (e.g. legs and feet and any
19 other areas of the plaintiff's body alleged to have been injured in the accident.)

20 (E) MARCH 17, 2006, at 9:30 a.m., at 2801 K Street #410, Sacramento, CA.
21 95816, for physical examination to be conducted by STEPHEN MANN, M.D. Any cancellation of
22 this appointment requires three business days' notice direct to Dr. Mann's office or a cancellation
23 fee of \$1,000 will be incurred.

24 Dr. Mann will be allowed to conduct a physical examination of plaintiff. Dr. Mann will
25 be allowed to obtain a verbal history from plaintiff which will include, in general, the following:

- 26 a) A brief explanation of how the accident of September 18, 2002
27 occurred;

- b) His current complaints;
- c) His past complaints;
- d) The evolution of his complaints;
- e) Any additional contributing illnesses or injuries;
- f) The sequence of his medical treatment.

Dr. Mann will be allowed to conduct a non-invasive neurological and physical examination of plaintiff which will focus on his head, neck, back, shoulders, upper extremities (e.g. arms and hands), and lower extremities (e.g. legs and feet).

2. Pursuant to FRCP section 35(b) plaintiffs and their attorney of record request a copy of the detailed reports of the above examiners of their examinations including results of all tests made, diagnoses and conclusions.

IT IS SO STIPULATED:

DATED: February 7, 2006

ERICKSEN, ARBUTHNOT, KILDUFF,
DAY & LINDSTROM, INC.

s/Charles S. Painter

By: _____
CHARLES S. PAINTER
Attorney for Defendant
EAGLE MOLDING COMPANY# 1

DATED: February 3, 2006

LAW OFFICES OF ANTHONY J.
POIDMORE

s/Anthony J. Poidmore

By: ANTHONY J. POIDMORE
Attorney for Plaintiffs ROY B.
SMITH and VICKI SMITH

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ORDER

IT IS SO ORDERED.

DATED: 2/8/06

/s/ Gregory G. Hollows

JUDGE OF THE COURT

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